

United States District Court
DISTRICT OF DELAWARE

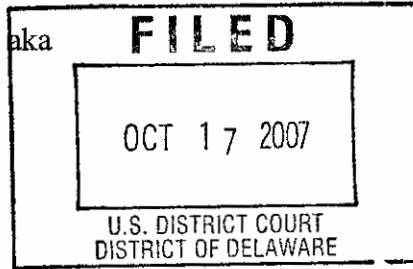
UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEJANDRO LOPEZ-Lopez, aka
JOSE LOPEZ-Mayalla

Defendant.



CRIMINAL COMPLAINT

Case Number 07- *197 M*

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 16, 2007 in New Castle County, in the District of Delaware, defendant committed the offense of re-entry after removal, in violation of Title 8 United States Code, Section(s) 1326(a). I further state that I am a(n) Special Agent, United States Immigration and Customs Enforcement and that this Official Title complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes

A handwritten signature in black ink, appearing to read "William O. Horn".

William O. Horn
Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

October 17, 2007 at Wilmington, DE
Date City and State

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer

A handwritten signature in black ink, appearing to read "Mary Pat Thyng".
Signature of Judicial Officer

AFFIDAVIT

I, William O. Horn, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Special Agent since October 1, 1997, when I was employed by the Immigration and Naturalization Service (INS). The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.

3. On October 16, 2007, ICE Agents encountered Alejandro LÓPEZ-López in the custody of the Delaware State Police following a traffic stop for speeding.

4. On October 16, 2007, Alejandro LÓPEZ-López was fingerprinted on ICE's Integrated Automated Fingerprint Identification System (IAFIS). IAFIS identified the fingerprints as those of José LÓPEZ-Mayalla, FBI Number 63499LB5. Several names are listed as aliases, including Alejandro LÓPEZ.

5. On October 16, 2007, your affiant advised Alejandro LÓPEZ-López of his rights and interviewed him under oath in New Castle, DE. Alejandro LÓPEZ-López advised your affiant that his true and correct name was Alejandro LÓPEZ-López, that he is a citizen of Mexico and that he had previously been removed from the United States. When asked, Alejandro LÓPEZ-López stated that he had not requested or obtained permission to reapply for admission to the United States.

6. Your affiant has reviewed computerized records of ICE, and found that Alejandro LÓPEZ-López was ordered removed from the United States on December 09, 1999 and subsequently (date unknown) removed himself by returning to Mexico. He was encountered as part of a load of smuggled aliens on May 19, 2005 near Nogales, AZ and removed again, under an order of Expedited Removal. On October 10, 2005, he yet again was encountered near Douglas, AZ and was again removed under an order of Expedited Removal. Alejandro LÓPEZ-López stated under oath that he has never sought permission to reapply for admission to reenter the United States after having been removed.

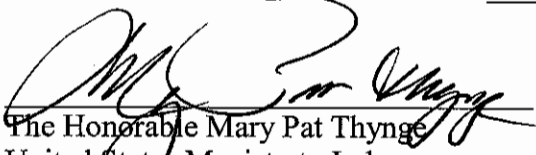
WHEREFORE, your affiant avers there is probable cause to believe that Alejandro LÓPEZ-López, a citizen and national of Mexico, was previously removed by ICE to Mexico on May 19, 2005 and on October 10, 2005, and that, prior to his reembarkation at a place outside the United

States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a).



William O. Horn
Special Agent
U.S. Immigration & Customs Enforcement

Sworn and subscribed before me this 17 day of October 2007.



The Honorable Mary Pat Thyng
United States Magistrate Judge
District of Delaware